

# COMPLAINT

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2014 MAR 18 AM 10 31  
US DISTRICT CT COLA, SC

In pro persona  
DISTRICT COURT OF SOUTH CAROLINA  
FEDERAL JURISDICTION

Roland Chambers

Case No.:

*Plaintiff*

COMPLAINT FOR:

v.

Apple Inc.,

1) **COPYRIGHT INFRINGEMENT,**

Amazon.com Inc., and

2) **DMCA VIOLATION,** and/or

CD Baby

3) **EXCLUSIVE REPRODUCTION RIGHTS**

*Defendants*

1. Plaintiff Roland Chambers (hereinafter "Plaintiff"), makes the following allegations against Defendants Apple Inc, Amazon.com Inc, and CD BABY (hereinafter "Defendants").

## JURISDICTION AND VENUE

2. This Court has jurisdiction over all causes of action asserted herein pursuant to the Federal Question, because this case is a cause given by statute to federal courts.
4. Also, venue is proper because the causes of action stated herein arose in this judicial district, and:
  - (a) Plaintiff resides in this Richland County, SC
  - (b) Plaintiff's principal place of business in Richland County, SC

## PARTIES

5. Plaintiff, Roland Chambers ("Plaintiff") is an individual who resides in the County of Richland, State of South Carolina.
6. Defendants Apple Inc., Amazon.com Inc., and CD Baby are corporations in the state of California, Washington, and Oregon, respectively.

## FACTUAL ALLEGATIONS

7. On or about July of 2001, Plaintiff provided Defendant #3 (CD Baby) with five (5) compact disc including 12 original pieces of copyrighted sound recordings and two (pieces of artwork for the album cover.
8. In consideration for the compact disc, Defendant #3 executed a consignment only contract, which included distribution of the five disc sent only, no reproduction clause, warehouse storage fees if not sold, and no ownership transfer of copyright.

\*A true and correct copy of the Note is attached hereto as Exhibit "A."

9. No payment was reported or issued to plaintiff for any of the five disc.
10. Plaintiff discovered the compact disc were still selling in March 2014(beyond the quantity ever legally produced) and in various formats and demanded explanation, as well as payment.
11. CD Baby was to distribute disc and not authorized to create any reproductions; however, more than five disc exist today, and CD Baby is only definitely aware of the whereabouts of one (1) disc. A representative states one (1) disc was sold and (3) were likely recycled/destroyed. This leaves one more disc unaccounted for prior to counterfeit units being placed on the market
12. Amazon.com, including not only the U.S. Website, but domains in Spain, Italy, England, Germany, India, France, Japan, Denmark, and several more are actively selling disc and allowing third party sellers to continue selling copyrighted material not owned, and likely counterfeit based on disc produced, even as of 03/16/2014. This is after multiple take-down request made electronically online and by hard copy via mail.
13. Apple Inc, has without any consent or permission provided access to 12 pieces of work in digital formats. These were not only illegally provided and spread to other websites that promote digital piracy, but only three (3) of the 12 songs were available online through Garageband.com for a short period in 2000-2002. These three (3) pieces were not available for download, but only for streaming to poll the audience. The other nine (9) songs were converted without the knowledge of the copyright owner.
14. To the filing of this action, Defendants #1(Apple), #2(Amazon), and #3(CD Baby)have failed and refused to provide payment resolution for the illegal use of registered copyrighted materials over the last 14 years.
15. Defendants are therefore in breach of the Copyright Act for Sound Recordings (physical), Digital Millennium Copyright Act, and the Exclusive Reproduction Rights the Plaintiff has as the copyright owner.


WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. The demand amount of \$5,206,860,000.00 plus interest at the rate of 2.5% from March 14, 2014 until judgment is entered.
2. The demand amount for each defendant that amounts to the above mentioned amount is: Apple Inc. \$1,735,860,000.00, Amazon.com Inc. \$1,735,500,000.00, and CDBaby \$1,735,500,000.00, which totals to the total demand amount of \$5,206,860,000.00
3. Explanation for demand is included.
4. Reasonable attorneys' fees and costs of suit herein incurred, as well as further relief as the court may deem proper is also requested.

-----demand breakdown attached-----

DATED: March 18, 2014

RESPECTFULLY SUBMITTED,

By: 

Roland Chambers  
Plaintiff

Chambers v. Apple Inc  
Sheet1

Sheet1

Case #

Based on Amendments of  
**STATUTORY DAMAGES ENHANCEMENT**  
*Section 504(c) of title 17, United States Code*  
*...also Section 106 of title 17*

Violation Realized by Plaintiff on:

Years of ongoing violation:

Number of days in years of violation:

Number of songs or pieces of work violated (copyright/DMCA) for 13 years:

Cost of daily violation for 12 tracks:  
\*(according to statutory damages allowed under  
Digital Theft Deterrence and Copyright Damages Improvement Act of 1999)

Cost of statutory damage allowed for 12 pieces of work (ringtones):

Punitive damage not requiring proof (based on \$100,000 annually):

Punitive damage based on evidence:  
(3% of punitive damages to be returned to state for benefits received)

Violation of copyright sound recordings:

Violation of album images being displayed:

Total Demand based on violations recognized by law:

// 2014

2001 – 2014

13\*365

12

12\*30000\*4745  
daily calculation due to global significance

12\*30,000

13\*100,000

13\*1,000,000

13\*500,000

13\*500,000

13 years

4745 days

12 pieces

\$1,708,200,000.00

\$360,000.00

\$1,300,000.00

\$13,000,000.00

\$6,500,000.00

\$6,500,000.00

\$1,735,860,000.00

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Based on Amendments of  
STATUTORY DAMAGES ENHANCEMENT  
Section 504(c) of title 17, United States Code  
...also Section 106 of title 17

Violation Realized by Plaintiff on:	/ /2014	
Years of ongoing violation:	2001 – 2014	13 years
Number of days in years of violation:	13*365	4745 days
Number of songs or pieces of work violated (copyright) for 13 years:	12	12 pieces
Cost of daily violation for 12 tracks: *(according to statutory damages based on Copyright Damages Improvement Act of 1999)	12*30000*4745 daily calculation due to global significance	\$1,708,200,000.00
Punitive damage not requiring proof (based on \$100,000 annually):	13*100,000	\$1,300,000.00
Punitive damage based on evidence, including negligence:	13*1,000,000	\$13,000,000.00
Violation of copyright sound recordings:	13*500,000	\$6,500,000.00
Violation of album images being displayed:	13*500,000	\$6,500,000.00
Total Demand based on violations recognized by law:		\$1,735,500,000.00

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Sheet2

Sheet2

Based on Amendments of  
**STATUTORY DAMAGES ENHANCEMENT**  
*Section 504(c) of title 17, United States Code*  
...also *Section 106 of title 17*

Violation Realized by Plaintiff on:	/ /2014	
Years of ongoing violation:	2001 – 2014	13 years
Number of days in years of violation:	13*365	4745 days
Number of songs or pieces of work violated (copyright) for 13 years:	12	12 pieces
Cost of daily violation for 12 tracks: *(according to statutory damages based on Copyright Damages Improvement Act of 1999)	12*30000*4745 daily calculation due to global significance	\$1,708,200,000.00
Punitive damage not requiring proof (based on \$100,000 annually):	13*100,000	\$1,300,000.00
Punitive damage based on evidence:	13*1,000,000	\$13,000,000.00
Violation of copyright sound recordings:	13*500,000	\$6,500,000.00
Violation of album images being displayed:	13*500,000	\$6,500,000.00
Total Demand based on violations recognized by law:		\$11,735,500,000.00